

job done—a job that is admittedly harder because of radical environmental appeals, litigation and FOIA requests.

This bill also codifies the ability of the BLM and Forest Service to “categorically exclude” grazing permit renewal, reissuance or transfer from the paperwork requirements under National Environmental Policy Act (NEPA) if the permit or lease continues current grazing management on the allotment. Minor modifications to a permit or lease can also be categorically excluded from NEPA if monitoring indicates that the current grazing management has met or is moving toward rangeland and riparian objectives and there are no “extraordinary circumstances.” Finally, this section allows the BLM and Forest Service to continue to set their priority and timing for permit renewal or reissuance.

3. Applicability of Administrative Procedure Act. This provision is really what levels the playing field for the rancher, against the environmental “willing buyer” and the arbitrary decisions of the governmental regulator.

First, this provision applies a real decision making process, with an independent hearing officer or judge, to Forest Service administrative appeals. Currently, legal challenges to Forest Service decisions are heard by the “next higher Forest Service line officer.” There have long been allegations that this system is significantly skewed so that the Forest Service decision maker is “almost always right.” For example, out of the 28 decisions that were administratively appealed in Forest Service Region 2 (Wyoming, Colorado, Kansas, Nebraska, South Dakota) from 2009 to the present, only two were rejected as being legally or factually wrong. In that same time period, in California, out of 78 appeals, only 13 decisions were either rejected or withdrawn. In Arizona and New Mexico, the Forest Service “independent review by the next higher line officer” only found 15 out of 83 decisions were deficient. In other words, just considering these three Forest Service regions, the agency found itself right 85 percent of the time. In a fair and equal system, no one is right that many times!

This provision would change that pattern so that Forest Service grazing permittees would appeal the decisions they believed were legally, factually or scientifically wrong to an independent law judge and the Forest Service would have to show why its decision is right, rather than the permittee having to show why the decision is wrong. The permittee would also be able to cross-examine Forest Service “experts” on the reasons for the decision and the agency would have to supply some justification for its decision. It is critical that Forest Service permittees have the ability to protect themselves from arbitrary decisions—an ability they do not have now.

Second, this Act would level the playing field for BLM permittees. Like the Forest Service provisions discussed above, this bill “changes” the current appeals system by requiring the BLM to prove its decision is legally and scientifically correct, rather than forcing the permittee to prove why the decision is legally and scientifically wrong.

Additionally, the OHA has determined that when the BLM issues a decision adversely affecting a permittee’s grazing privileges, the BLM decision can still be upheld, even if the BLM did not comply with all of the grazing regulations. In short, under the current appeals system, the permittee’s experts have to show why the BLM experts are wrong (a burden that is very hard to carry) and the BLM decision can still be held to be correct, even if the BLM only substantially complied with its regulations. This is not a level playing field and a problem that absolutely needs corrected.

Finally, this section also returns to the law the “automatic stay” provisions eliminated by the Bruce Babbitt “Range Reform ‘94” regulations, except for decisions of a temporary nature and except in emergency situations.

In truth, this bill is more than mere technical changes to erroneous agency regulations—it gives some very real protection to the permittees. For example, the Ruby Pipeline “donation” to Western Watersheds Project to purchase grazing preferences on a “willing seller” basis only works if the permittee is honestly “willing to sell.” However, if the permittee is always behind the curve in protecting his grazing permit and the only way he can “win” is by “voluntarily selling” his permit for pennies on the dollar, the word “willing” is truly compulsion. And, in the case of the Forest Service, the current administrative appeals process is like asking your father to change the decision of your mother, when your mother and father agreed on the decision before it was dictated to you.

Finally, this bill reverses the U.S. Justice Department capitulations to environmental groups during the course of recent litigation. These “settlements” have significantly restricted the BLM’s and Forest Service’s ability to legitimately use categorical exclusions to renew grazing permits. Neither the Justice Department nor the federal bureaucrats should be allowed to make Congressional policy without the Congressional branch of government.

Make no mistake—this is not just a public lands ranchers’ bill; this bill will help preserve family ranches, rural communities and the American beef supply. This is an American jobs bill! I urge your support and ask that you request your Congressional representatives support this bill.

ADDITIONAL STATEMENTS

30TH ANNIVERSARY OF THE GOOD SHEPHERD FOOD BANK

• Ms. COLLINS. Mr. President. In early 1981, JoAnn and Ray Pike of Lewiston, ME, became concerned about the growing number of families and elderly in their community who were going hungry. Inspired by a newspaper story about an organization in Kansas City that received food donations from the food industry to distribute to those in need, the Pikes and their home prayer group turned concern into action.

On Palm Sunday of that year, the people of the twin cities of Lewiston-Auburn joined in a walkathon and raised \$6,000. The Good Shepherd Food Bank was born. Thirty years later, it serves all 16 Maine counties, providing nourishment and hope to more than 70,000 Maine people each month.

This remarkable story of compassion started small. The first food bank was located in an apartment and garage at the Pike home. Within 8 months, the quantity of donated food outgrew that space and the operation moved to a former textile mill in Lewiston. Today, the food bank has more than 100,000-square feet of warehouse space in Lewiston, Portland, and Brewer, enough to store 12 million pounds of food per year.

At first, a handful of food companies joined this effort. Word of the good work being done in Lewiston quickly

spread, and food manufacturers, distributors, and supermarkets throughout Maine stepped forward—more than 200 companies now contribute to the food bank.

Getting so much food to so many people over such a large area is a great challenge. It is a challenge that has been met by volunteers. The Good Shepherd Food Bank has established partnerships with more than 600 organizations throughout Maine—churches, charities, and civic clubs—that form a vast distribution network. This results in an operation of extraordinary efficiency. For every \$1 donated to support food bank operations, \$8.50 worth of food is provided.

As a founding member of the Senate Hunger Caucus, I know we have done much here in Washington to ensure food security for all, but that there is more to do. I also know that so much of the real work of helping those in need is done in our communities by caring and dedicated citizens. The Good Shepherd Food Bank of Maine is a shining example of such caring and dedication, and I congratulate this wonderful organization and its many supporters on 30 years of inspiring service.●

TRIBUTE TO MALCOLM ROSS O'NEILL

• Mr. LEVIN. Mr. President, today I wish to recognize the distinguished career of a highly decorated soldier and accomplished public servant. Following decades of unwavering service to our Nation, Dr. Malcolm Ross O'Neill recently retired as the Assistant Secretary of the Army for Acquisition, Logistics & Technology, AL&T. In his capacity as the Assistant Secretary and Army acquisition executive, Dr. O'Neill led the Army's 41,000-member acquisition workforce in its vital mission to equip and sustain the world's most capable, powerful, and respected Army.

Dr. O'Neill has made significant contributions to our national security over the course of a career spanning nearly five decades. He proudly served 34 years on active duty as an Army officer, both in peacetime and in combat. Dr. O'Neill was commissioned in the U.S. Army as a field artillery officer in 1962 and served with the 82nd Airborne Division; as an adviser with the 21st Reconnaissance Company of the 21st Army of the Republic of Vietnam Division; and assistant chief of staff, Ammunition, with the Danang Support Command in Vietnam. His first acquisition job was as a member of the source selection team for what was then called surface-to-air missile, development—now the Patriot missile system. His extensive military experience includes service as commander, U.S. Army Laboratory Command; deputy director of the Strategic Defense Initiative Organization; and director of the Ballistic Missile Defense Organization.

Under Dr. O'Neill's leadership as Assistant Secretary of the Army, the